

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

INA STEINER, DAVID STEINER, and
STEINER ASSOCIATES, LLC,

Plaintiffs,

V.

EBAY INC., et al.,

Defendants.

Civil Action No. 21-CV-11181-PBS

REQUEST FOR HEARING

**UNOPPOSED MOTION TO EXTEND DEADLINE TO RESPOND TO AMENDED
COMPLAINT, EXCEED PAGE LIMITS, AND FILE A REPLY BRIEF PURSUANT TO A
UNIFORM BRIEFING SCHEDULE GOVERNING DEFENDANTS**

Defendant eBay Inc. (“eBay”) hereby files this unopposed motion to (a) extend the deadline by which eBay must answer or otherwise respond to the Amended Complaint in this matter to April 21, 2023; (b) permit eBay, pursuant to Local Rule 7.1(b)(4), to file a memorandum of law in support of its forthcoming partial motion to dismiss in excess of 20 pages, but not to exceed 35 pages; and (c) permit eBay, pursuant to Local Rule 7.1(b)(3), to file a reply brief, not to exceed 15 pages, within 30 days after Plaintiffs file their opposition to eBay’s motion to dismiss. In the interests of establishing a uniform briefing schedule, and to avoid burdening the Court with similar motions filed by each of the individual defendants, eBay further requests that the same schedule and same page limits apply to all defendants who have appeared in this action.

As grounds for this motion, eBay states as follows:

1. On January 4, 2023, the Court allowed Plaintiffs to file an amended complaint on or before February 15, 2023. Dkt. No. 167. On February 13, 2023, Plaintiffs filed a motion for discovery and for an extension of the deadline to file an amended complaint. Dkt. No. 170. The

Court denied the motion the following day. Dkt. No. 171. Plaintiffs filed a motion for reconsideration requesting an extension to March 1, 2023, which the Court granted. Dkt. Nos. 172, 173. Plaintiffs filed their Amended Complaint on March 1, 2023. Dkt. No. 176.

2. Plaintiffs' Amended Complaint runs over 122 pages. It alleges fourteen different causes of action against eBay, six of which were not alleged in the original complaint. It also includes additional factual allegations and an additional former eBay employee as a defendant.

3. eBay intends to file a partial motion to dismiss the Amended Complaint. Due to the significant number of new allegations, as well as the substantial length and breadth of the Amended Complaint, additional time is necessary in order to prepare the partial motion to dismiss. eBay thus requests that the Court extend the deadline for eBay's response to the Amended Complaint to April 21, 2023.

4. For the same reasons, eBay requires more than the standard 20 pages allocated for briefing under Local Rule 7.1(b)(4). eBay seeks to file a memorandum of not more than 35 pages in order to more fully address various grounds for its partial motion to dismiss. The additional analysis will assist the Court in considering eBay's partial motion to dismiss.

5. eBay also anticipates that a reply brief will assist the Court in deciding the motion, particularly in light of the number of issues likely to be addressed in the partial motion to dismiss and the Plaintiffs' anticipated response. Accordingly, eBay seeks leave to file a reply brief of not more than 15 pages, within 30 days following the filing of Plaintiffs' opposition.

6. To avoid burdening the Court with multiple duplicative filings, eBay proposes that the briefing schedule and page limits requested herein likewise be granted as to each individual defendant who has appeared, all of whom are named in the substantial majority of the counts asserted in Plaintiffs' lengthy Amended Complaint.

7. As further grounds for this motion, undersigned counsel states that he has conferred

with counsel for Plaintiffs as to the substance of this motion, and counsel has indicated that Plaintiffs do not oppose this motion. Defendants eBay, Baugh, Cooke, Gilbert, Harville, Popp, Progressive F.O.R.C.E. Concepts, LLC, Wenig, Wymer, and Zea have indicated that they will not oppose any similar request by Plaintiffs should they need additional time to oppose any motion to dismiss.

WHEREFORE, eBay requests that the Court grant this motion and (a) extend the deadline for eBay's response to the Amended Complaint to April 21, 2023; (b) permit eBay to file a memorandum in support of its forthcoming partial motion to dismiss of not more than 35 pages; (c) permit eBay to file a reply brief of not more than 15 pages within 30 days after Plaintiffs file their opposition to eBay's partial motion to dismiss; and (d) establish the same schedule and page limits for the individual defendants named in the Amended Complaint who have appeared.

REQUEST FOR HEARING

eBay respectfully requests a hearing on this motion should the Court determine a hearing will be helpful to deciding the motion.

Dated: March 8, 2023

Respectfully submitted,

/s/ Jack W. Pirozzolo

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Counsel for eBay Inc.

CERTIFICATION PURSUANT TO L.R. 7.1(a)(2)

I, Jack W. Pirozzolo, counsel for eBay, hereby certify that, in accordance with Local Rule 7.1(a)(2), counsel for eBay has conferred with counsel for Plaintiffs, who do not oppose this motion. I further certify that counsel for eBay has also conferred with counsel for Defendants Baugh, Cooke, Gilbert, Harville, Popp, Progressive F.O.R.C.E. Concepts, LLC, Stockwell, Wenig, Wymer, and Zea, who do not oppose this motion.

Dated: March 8, 2023

/s/ Jack W. Pirozzolo

Jack W. Pirozzolo

CERTIFICATE OF SERVICE

I hereby certify that on March 8, 2023, this document, filed through the CM/ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

Dated: March 8, 2023

/s/ Jack W. Pirozzolo

Jack W. Pirozzolo